

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

9:00 AM

**2:00-000000**

**Chapter**

- #1.00** Hearings in Judge Bason's courtroom (1545) are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. ZoomGov appearances are free.

**ZoomGov Instructions for all matters on today's calendar:**

Meeting ID: 161 867 4593

Password: 689233

Meeting URL: <https://cacb.zoomgov.com/j/1618674593>

Telephone: +1 669 254 5252 or +1 646 828 7666 or 833 568 8864 (Toll Free)

Please connect at least 5 minutes before the start of your hearing, and wait with your microphone muted until your matter is called.

**CHAPTER 13: Persons needing to contact the Chapter 13 Trustee's attorney, either prior to the hearing or during a recess, can call Kaleen Murphy, Esq. at (213) 996-4433.**

**NOTE:** For purposes of the posted Procedures of Judge Bason regarding the deadline to contest the tentative ruling, these tentative rulings were first posted on Friday 11/12/21 at 10:05 a.m. The only changes are: (1) vacating calendar no.2 at 10:00 a.m. on 11/16/21 (due to an Adequate Protection Order) and (2) adding calendar no. 3.10 on the 11:00 a.m. calendar for 11/16/21.

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
Central District of California  
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Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

10:00 AM

**2:21-16819 Jesus Salvador Perez**

**Chapter 7**

**#1.00 Hrg re: Motion for relief from stay [RP]**

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 19

**Tentative Ruling:**

Grant as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

If you are making an appearance, note that hearings are now simultaneously

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**CONT...**      **Jesus Salvador Perez**      **Chapter 7**  
(1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

<b>Party Information</b>
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**Debtor(s):**

Jesus Salvador Perez

Represented By  
Stanley D Bowman

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Jennifer C Wong

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

10:00 AM

**2:19-15974 Christopher Raymond Demery**

**Chapter 13**

**#2.00 Hrg re: Motion for relief from stay [RP]**

NEWREZ, LLC  
vs  
DEBTOR

Docket 71

**\*\*\* VACATED \*\*\* REASON: APO**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher Raymond Demery

Represented By  
Raj T Wadhvani

**Movant(s):**

NewRez LLC d/b/a Shellpoint

Represented By  
Chad L Butler

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

10:00 AM

**2:20-10948 Albert J Myles and Dejah L Myles**

**Chapter 13**

**#3.00 Hrg re: Motion for relief from stay [RP]**

DEUTSCHE BANK NATIONAL TRUST CO  
vs  
DEBTOR

Docket 76

**Tentative Ruling:**

Grant as set forth below.

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

Key documents reviewed (in addition to motion papers): n/a.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

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10:00 AM

**CONT... Albert J Myles and Dejah L Myles**

**Chapter 13**

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Albert J Myles

Represented By  
Thomas B Ure

**Joint Debtor(s):**

Dejah L Myles

Represented By  
Thomas B Ure

**Movant(s):**

DEUTSCHE BANK NATIONAL

Represented By  
Christina J Khil

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1545**

10:00 AM

**2:20-12679 Vaughn Boykin, Jr.**

**Chapter 13**

**#4.00 Hrg re: Motion for relief from stay [RP]**

LAKEVIEW LOAN SERVICING LLC  
vs  
DEBTOR

Docket 87

**Tentative Ruling:**

Grant as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a) (3) for lack of sufficient cause shown.

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

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**CONT... Vaughn Boykin, Jr.**

**Chapter 13**

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vaughn Boykin Jr.

Represented By  
Teresa Straley

**Movant(s):**

Lakeview Loan Servicing, LLC

Represented By  
Erin M McCartney

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



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Central District of California  
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10:00 AM

**2:18-24110 Elfego Martinez Dominguez and Floriberta Martinez Cruz**

**Chapter 13**

**#5.00** Hrg re: Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST CO  
vs  
DEBTOR

Docket 58

**\*\*\* VACATED \*\*\* REASON: APO**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Elfego Martinez Dominguez

Represented By  
Suzette Douglas

**Joint Debtor(s):**

Floriberta Martinez Cruz

Represented By  
Suzette Douglas

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Robert P Zahradka  
Megan E Lees  
Chad L Butler

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Hearing Room 1545**

10:00 AM

**2:17-24652 Juan Enrique Campos and Elida Campos**

**Chapter 13**

**#6.00** Hrg re: Motion for relief from stay [RP]

TOWD POINT MORTGAGE TRUST 2019-SJ2,  
U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 43

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal of motion filed on  
11/10/21 [dkt. 46]**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Juan Enrique Campos

Represented By  
Todd L Turoci

**Joint Debtor(s):**

Elida Campos

Represented By  
Todd L Turoci

**Movant(s):**

Towd Point Mortgage Trust 2019-

Represented By  
Robert P Zahradka  
Megan E Lees  
Chad L Butler

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
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**2:20-11037 Jennifer Webb**

**Chapter 13**

**#7.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 5/11/21, 6/1/21, 7/20/21, 9/28/21

U.S. BANK TRUST NATIONAL ASSOC  
vs  
DEBTOR

Docket 49

**Tentative Ruling:**

**Tentative Ruling for 11/16/21:**  
Appearances required.

At the hearing on 9/28/21 this Court was persuaded to continue this matter to today. There is no tentative ruling but the parties should be prepared to address the current status of this matter.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

**[PRIOR TENTATIVE RULINGS OMITTED]**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jennifer Webb

Represented By  
Sundee M Teeple

**Movant(s):**

U.S. Bank Trust National

Represented By  
Erica T Loftis Pacheco

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**CONT... Jennifer Webb**

**Chapter 13**

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**Hearing Room 1545**

10:00 AM

**2:19-13045 Pamela Nugal**

**Chapter 13**

**#8.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 07/20/21, 8/17/21, 9/28/21

SELECT PORTFOLIO SERVICING, INC.  
VS  
DEBTOR

Docket 28

**\*\*\* VACATED \*\*\* REASON: APO**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Pamela Nugal

Represented By  
Leon D Bayer

**Movant(s):**

Select Portfolio Servicing, Inc. as

Represented By  
Josephine E Salmon

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 16, 2021**

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**2:21-12832 Alexander Zerkovsky**

**Chapter 7**

**#9.00** Cont'd Order to show cause why this case should not be dismissed without any discharge and with a permanent bar to being a debtor in any future bankruptcy case fr. 9/14/21

Docket 25

**Tentative Ruling:**

**Tentative Ruling for 11/16/21:**

Appearances required.

This Court has reviewed Mr. Akhkashian's declaration (dkt. 34). The parties are directed to address whether the second cashier's check cleared and confirm that the Stones have been paid in full under the terms of the parties' settlement agreement.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

**Tentative Ruling for 9/14/21:**

Appearances required.

(1) Current issues

(a) Order to show cause (dkt. 25, "OSC"), Declarations of Khachik Akhkashian and Debtor (dkt. 30), response of Kathleen and Patrick Stones' ("Creditors") (dkt. 31)

There is no tentative ruling. Debtor should be prepared to address the arguments set forth in the Stones' response.

(b) Motion of Stones for relief from automatic stay ("R/S Motion," dkt. 15); Debtor's opposition (dkt. 17); Order (the "R/S Order," dkt. 26)

The tentative ruling is that the R/S Order has already resolved all

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**CONT...** Alexander Zerkovsky  
issues raised by the R/S Motion.

**Chapter 7**

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alexander Zerkovsky

Represented By  
Khachik Akhkashian

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

10:00 AM

**2:21-18217 Deonne Louise Marilyn Watson**

**Chapter 13**

**#10.00** Hrg re: Motion in Individual Case for Order  
Imposing a Stay or Continuing the Automatic  
Stay as the Court Deems Appropriate

Docket 12

**Tentative Ruling:**

Grant, subject to the following conditions, and also subject to any opposition at the hearing. See Order setting hearing (dkt.16), *and* POS (dkt.17).  
Appearances required.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

After the hearing date this Court will prepare an order and the tentative ruling is to include the following language in that order:

The stay of 11 U.S.C. 362(a) applies subject to the following modifications and conditions:

(1) Service and reconsideration. Any party in interest who was not timely served in accordance with FRBP 7004 (incorporated by FRBP 9014(b)) is hereby granted through 14 days after proper service to seek reconsideration, including retroactive relief (under FRBP 9023 and/or 9024). Any such person (a) may set a hearing on 14 days' notice, (b) may appear by telephone (if arrangements are made per Judge Bason's posted procedures), and (c) may present all arguments orally at the hearing (*i.e.*, no written argument is required). If written arguments appear necessary then this court will set a briefing schedule at the hearing.

(2) Reasons. (a) It appears appropriate to impose the automatic stay, and to impose it as to all persons rather than just as to selected persons, because one purpose of the automatic stay is to prevent a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse,



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**CONT...**

**Deonne Louise Marilyn Watson**

**Chapter 13**

this Court provides the foregoing simple process for reconsideration.

(3) Very limited ruling. This Court's tentative ruling to grant the foregoing relief is solely for purposes of this motion, and is not intended to have any binding effect with respect to any future assertions by any party in interest regarding the existence or lack of existence of good faith in any other context.

<b>Party Information</b>
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**Debtor(s):**

Deonne Louise Marilyn Watson

Represented By  
Elena Steers

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

10:00 AM

**2:21-18011 Elvia Heredia**

**Chapter 13**

**#11.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 11/09/21

AZTEC FINANCIAL, INC.  
vs  
DEBTOR

Docket 9

**\*\*\* VACATED \*\*\* REASON: Per Order (dkt. 26)**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Elvia Heredia

Pro Se

**Movant(s):**

Aztec Financial, Inc.

Represented By  
David S Hagen

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

10:00 AM

**2:21-17118 Andras Babero**

**Chapter 13**

**#12.00 [CASE DISMISSED ON 10/20/21]**

Cont'd hrg re: Motion for Relief from Stay [RP]  
fr. 11/9/21

LONNE C. LINDELL  
vs  
DEBTOR

Docket 20

**Tentative Ruling:**

**Tentative Ruling for 11/16/21:**

Deny for lack of prosecution. As of the preparation of this tentative ruling, Movant has neither (a) lodged an order granting partial relief, as permitted by the Tentative Ruling for 11/9/21 (reproduced below), nor (b) filed the proof of service required by that Tentative Ruling for additional relief. Appearances are not required.

Order: Unless otherwise ordered, this Court will prepare the order after the hearing.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

**Tentative Ruling for 11/9/21:**

The tentative ruling is to (i) grant the motion in part and confirm that the automatic stay does not apply because this case has been dismissed, which terminates the automatic stay (see 11 U.S.C. 349(b)(3) & 362(c)), and alternatively because no continuance of the automatic stay was sought or granted (see 11 U.S.C. 362(c)(3)), (ii) confirm that no 14-day stay of the order applies under Rule 4001(a)(3); and (iii) continue this matter to 11/16/21 at 10:00 a.m. with respect to Movant's request for one-year "*in rem*" relief, to

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**CONT... Andras Babero**

**Chapter 13**

address the issues set forth below. Appearances are not required on 11/9/21. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

Option for shortened time: This Court has selected a continued hearing date that contemplates shortened notice (per Rule 9006) but that date is conditioned on the movant serving all papers on *the day after the current hearing date*. Alternatively, the movant may self-calendar a continued hearing on *regular* notice.

Option for interim/partial order: Movant may elect to lodge a proposed order granting the *partial* relief provided in this tentative ruling, but any such order must recite that a continued hearing has been set to consider additional relief (or, alternatively, that Movant no longer seeks additional relief and the Clerk's office is requested and directed to take the continued hearing off calendar).

Reasons for continuance:

Service is inadequate

The motion papers were not served:

To Debtor both (a) through counsel and (b) directly. The proof of service does not show service on both (i) Debtor's counsel and (ii) Debtor directly ("double service"), as required by Rules 7004(b)(9)&(g) and 9014(a), Fed. R. Bankr. P.). The tentative ruling is that this Court has neither the authority nor the inclination to excuse non-compliance with these rules. It is true that this double service requirement is the exact opposite of typical non-bankruptcy practice, in which it is generally impermissible to serve a represented party personally; but there are good reasons for the double service rule in bankruptcy. It helps protect Debtor and the bankruptcy estate (*i.e.*, all parties in interest) from matters "falling through the cracks" given the high volume and speed of matters in typical bankruptcy cases, and the frequent use of service via U.S. mail.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov

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**CONT... Andras Babero**

**Chapter 13**

telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Andras Babero

Represented By  
Stephen L Burton

**Movant(s):**

Lonnie C. Lindell

Represented By  
G. Warren Bleeker

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:17-22660 Yuichiro Sakurai and Akemi Sakurai**

**Chapter 7**

**#1.00** Hrg re: Trustee's final report and account;  
Application for fees and expenses  
[Rosendo Gonzalez, Ch. 7 Trustee]

Docket 557

**Tentative Ruling:**

Grant as set forth below. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Key documents reviewed (in addition to motion papers): No opposition on file

Allow \$66,069.94 in fees and \$432.36 in expenses, for a total award of \$66,502.30, and authorize and direct payment of the full amounts allowed.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<b>Party Information</b>
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**Debtor(s):**

Yuichiro Sakurai

Represented By  
Nicholas W Gebelt

**Joint Debtor(s):**

Akemi Sakurai

Represented By  
Nicholas W Gebelt

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**CONT... Yuichiro Sakurai and Akemi Sakurai**

**Chapter 7**

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay

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**2:17-22660 Yuichiro Sakurai and Akemi Sakurai**

**Chapter 7**

**#2.00** Hrg re: Application for payment of final fees and/or expenses  
[Levene, Neale, Bender, Yoo & Brill L.L.P. Attorneys for Ch 7 Trustee]

Docket 553

**Tentative Ruling:**

Grant as set forth below. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): No opposition on file

Allow \$60,087.50 in fees and \$1,041.84 in expenses, for a total award of \$61,129.34, and authorize and direct payment of the full amounts allowed.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yuichiro Sakurai

Represented By  
Nicholas W Gebelt

**Joint Debtor(s):**

Akemi Sakurai

Represented By  
Nicholas W Gebelt

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**CONT... Yuichiro Sakurai and Akemi Sakurai**

**Chapter 7**

Timothy J Yoo  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:17-22660 Yuichiro Sakurai and Akemi Sakurai**

**Chapter 7**

**#3.00** Hrg re: Application for payment of final fees and/or expenses  
[LEA Accountancy LLP, Accountant for Ch. 7 trustee]

Docket 555

**Tentative Ruling:**

Grant as set forth below. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): No opposition on file

Allow \$6,939.50 in fees and \$361.11 in expenses, for a total award of \$7,300.61, and authorize and direct payment of the full amounts allowed.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yuichiro Sakurai

Represented By  
Nicholas W Gebelt

**Joint Debtor(s):**

Akemi Sakurai

Represented By  
Nicholas W Gebelt

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**CONT...**

**Yuichiro Sakurai and Akemi Sakurai**

Timothy J Yoo  
Carmela Pagay

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:17-22660 Yuichiro Sakurai and Akemi Sakurai**

**Chapter 7**

**#3.10** Hrg re: Final fees and/or expenses for  
Timothy J. Yoo as Disbursing Agent

Docket 534

**Tentative Ruling:**

Grant as set forth below. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): No opposition on file

Allow \$11,500.00 in fees and \$0.00 in expenses, for a total award of \$11,500.00, and authorize and direct payment of the full amounts allowed.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yuichiro Sakurai

Represented By  
Nicholas W Gebelt

**Joint Debtor(s):**

Akemi Sakurai

Represented By  
Nicholas W Gebelt

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**CONT... Yuichiro Sakurai and Akemi Sakurai**

**Chapter 7**

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:19-17738 Carolyn Yvonne Morgan**

**Chapter 7**

**#4.00** Hrg re: Trustee's final report and account;  
Application for fees and expenses  
[Howard M Ehrenberg, Ch. 7 Trustee]

Docket 81

**Tentative Ruling:**

Grant as set forth below. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Key documents reviewed (in addition to motion papers): N/A

Allow \$7,000.00 in fees and \$44.71 in expenses, for a total award of \$7,044.71, and authorize and direct payment of the full amounts allowed.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Carolyn Yvonne Morgan

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:19-17738 Carolyn Yvonne Morgan**

**Chapter 7**

**#5.00** Hrg re: Final Fee Application of SulmeyerKupetz,  
[Attorneys for Howard M. Ehrenberg, Chapter 7 Trustee]

Docket 79

**Tentative Ruling:**

Grant as set forth below. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Key documents reviewed (in addition to motion papers): No opposition on file

Allow \$37,624.00 fees and \$1,120.68 in expenses, for a total award of \$38,744.68, but authorize and direct payment in the reduced amount of \$20,000.00.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Carolyn Yvonne Morgan

Pro Se

**Movant(s):**

SulmeyerKupetz, APN

Represented By  
Steven Werth

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**CONT...**

**Carolyn Yvonne Morgan**

Steven Werth

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:19-17738 Carolyn Yvonne Morgan**

**Chapter 7**

**#6.00** Hrg re: First and final application for award of compensation and reimbursement of expenses  
[Menchaca & Company, LLP Accountants for Chapter 7]

Docket 78

**Tentative Ruling:**

Grant as set forth below. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Key documents reviewed (in addition to motion papers): No opposition on file

Allow \$3,225.00 fees and \$60.14 in expenses, for a total award of \$3,285.14, and authorize and direct payment to the extent of available funds.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Carolyn Yvonne Morgan

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**CONT... Carolyn Yvonne Morgan**

**Chapter 7**

**Movant(s):**

MENCHACA & COMPANY LLP, Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR) Represented By  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:19-18202 Rolando A. Bonilla and Maria Bonilla**

**Chapter 7**

**#7.00** Hrg re: Trustee's final report and account;  
Application for fees and expenses  
[Filed by Peter J. Mastan, Ch. 7 Trustee]

Docket 16

**Tentative Ruling:**

Grant as set forth below. Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Key documents reviewed (in addition to motion papers): No opposition on file

Allow \$2,067.50 in fees and \$40.57 in expenses, for a total award of \$2,108.07, and authorize and direct payment to the extent of available funds.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rolando A. Bonilla

Represented By  
W. Derek May

**Joint Debtor(s):**

Maria Bonilla

Represented By  
W. Derek May

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**CONT... Rolando A. Bonilla and Maria Bonilla**

**Chapter 7**

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:21-14225 21st Century Wellness, Inc,**

**Chapter 7**

**#8.00 Hrg re: Chapter 7 Trustee's Motion to Dismiss Case**

Docket 10

**Tentative Ruling:**

Grant.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

<b>Party Information</b>
--------------------------

**Debtor(s):**

21st Century Wellness, Inc,

Represented By  
Daniel King

**Movant(s):**

Edward M Wolkowitz (TR)

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:20-18003 Yolanda Espinosa**

**Chapter 13**

Adv#: 2:21-01183 Bank of America, N.A. v. Espinosa et al

**#9.00 Status Conference re: Complaint for Reformation and Declaratory Relief**

Docket 1

**Tentative Ruling:**

Continue to 12/14/21 at 11:00 a.m. to allow the parties to resolve their disputes and finalize their settlement in principle. See Plaintiff's Unilateral Status Report (adv.dkt. 4).

Appearances are not required on 11/16/21. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yolanda Espinosa

Represented By  
Barry E Borowitz

**Defendant(s):**

Yolanda Espinosa

Pro Se

Kathy A Dockery

Pro Se

**Plaintiff(s):**

BANK OF AMERICA, N.A.

Represented By  
Peter J Salmon

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**CONT... Yolanda Espinosa**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:20-21244 Harry H. Yegiazaryan**

**Chapter 7**

Adv#: 2:21-01184 Yegiazaryan v. Zuntafi

**#10.00** Status conference re: Complaint for: determination that student loan debt is dischargeable pursuant to 11 U.S.C. section 523(a)(8)(B) and in the alternative 523(a)(8)

Docket 1

**\*\*\* VACATED \*\*\* REASON: Another summons issued; Reset to 12/14/21 at 11:00 a.m.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Harry H. Yegiazaryan

Represented By  
Christine A Kingston

**Defendant(s):**

FMS Bank serviced by Zuntafi

Pro Se

**Plaintiff(s):**

Harry H. Yegiazaryan

Represented By  
Christine A Kingston

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:20-15862 Jose Luis Almendariz**  
Adv#: 2:20-01644 McLees v. Almendariz

**Chapter 13**

**#11.00** Hrg re: Motion for Summary Judgment  
or Partial Summary Judgment

Docket 45

**\*\*\* VACATED \*\*\* REASON: This matter is scheduled to be heard at a  
different time. See # 1 at 2:00 p.m.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Luis Almendariz

Represented By  
Glenn Ward Calsada

**Defendant(s):**

Jose Luis Almendariz

Represented By  
Glenn Ward Calsada

**Movant(s):**

Jose Luis Almendariz

Represented By  
Glenn Ward Calsada  
Glenn Ward Calsada

Jose Luis Almendariz

Pro Se

**Plaintiff(s):**

Brian McLees

Represented By  
Dawn M Coulson

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:20-15862 Jose Luis Almendariz**

**Chapter 13**

Adv#: 2:20-01644      McLees v. Almendariz

**#12.00**      Cont'd Status Conference re: Complaint for Determination of  
Non-Dischargeability of Debt Pursuant to 11 U.S.C. Sections  
523(a)(2) and (a)(4)  
fr. 12/22/20, 03/02/21, 4/6/21, 6/15/21, 8/17/21, 9/14/21

Docket      1

**\*\*\* VACATED \*\*\* REASON: This matter is scheduled to be heard at a  
different time. See #2 at 2:00 p.m.**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Luis Almendariz

Represented By  
Glenn Ward Calsada

**Defendant(s):**

Jose Luis Almendariz

Represented By  
Glenn Ward Calsada

**Plaintiff(s):**

Brian McLees

Represented By  
Dawn M Coulson

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:20-19466 Moises Sanchez Portillo**

**Chapter 7**

Adv#: 2:21-01017 IDT Payment Services, Inc. v. Sanchez Portillo

**#13.00** Cont'd status conference re: Complaint to determine non-dischargeability of debt [11 U.S.C. section 523(a)(4) and (6)]  
fr. 3/23/21, 6/15/21

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/16/21:**

The tentative ruling is to dismiss this adversary proceeding without prejudice in view of the mediator's certificate indicating that this matter has settled (adv. dkt. 13). *This Court will prepare the order. Appearances are not required.* (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

**Tentative Ruling for 6/15/21:**

Continue as set forth below to allow time for the parties to participate in mediation; but with Plaintiff meanwhile to lodge a proposed order as set forth in part "(B)(3)" below. Appearances are not required on 6/15/21.

(A) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 12) and the other filed documents and records in this adversary proceeding.

(B) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status

**United States Bankruptcy Court  
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11:00 AM

**CONT...**      **Moises Sanchez Portillo**  
conference.)

**Chapter 7**

(1) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 4).

(2) Mediation

On 4/8/21 this Court entered an order assigning the matter to mediation (see adv. dkt. 9).

(3) Deadlines

This adversary proceeding has been pending since 1/21/21. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joinder of parties/amendment of pleadings-deadline: 9/14/21

Discovery cutoff (for completion of discovery): 9/28/21

Expert(s) - deadline for reports: N/A

Expert(s) - discovery cutoff (if different from above): N/A

Dispositive motions to be heard no later than: 11/16/21

Joint Status Report: 11/2/21

Continued status conference: 11/16/21 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: TBD

Trial commencement: TBD

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the

**United States Bankruptcy Court  
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11:00 AM

**CONT... Moises Sanchez Portillo**

**Chapter 7**

first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

**Tentative Ruling for 3/23/21:**

Appearances required.

(A) Current issues

This Court has reviewed the parties' joint status report (adv.dkt. 8) and the other filed documents and records in this adversary proceeding.

(B) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(1) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(2) Mediation

Is there is any reason why this Court should not order the parties to

**United States Bankruptcy Court  
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11:00 AM

**CONT... Moises Sanchez Portillo**

**Chapter 7**

mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below? The tentative ruling is to set a **deadline of 4/6/21** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will chose among them, or issue his own order).

(3) Deadlines

This adversary proceeding has been pending since 1/21/21. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joinder of parties/amendment of pleadings-deadline: 9/14/21

Discovery cutoff (for completion of discovery): 9/28/21

Expert(s) - deadline for reports: N/A

Expert(s) - discovery cutoff (if different from above): N/A

Dispositive motions to be heard no later than: 11/16/21

Joint Status Report: 6/1/21

Continued status conference: 6/15/21 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: TBD

Trial commencement: TBD

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative

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11:00 AM

**CONT... Moises Sanchez Portillo**

**Chapter 7**

rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Moises Sanchez Portillo

Represented By  
Raymond Perez

**Defendant(s):**

Moises Sanchez Portillo

Represented By  
Raymond Perez

**Plaintiff(s):**

IDT Payment Services, Inc.

Represented By  
Alan J Watson

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

11:00 AM

**2:19-14137 Zeta Graff**

**Chapter 7**

Adv#: 2:19-01218 Vaatete v. Graff

**#14.00** Cont'd Status Conference re: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. Section 523(a)(6) and 11 U.S.C. Section 727(c)  
fr. 9/24/19, 11/12/19, 12/17/19, 1/14/20, 02/18/20, 4/7/20, 6/30/20, 9/29/20, 1/26/21, 5/11/21, 9/28/21

Docket 1

**Tentative Ruling:**

**Tentative Ruling 11/16/21:**

Continue to 1/18/22 at 11:00 a.m., with a status report due 1/11/22. This Court anticipates further continuance until the nonbankruptcy court has entered a judgment that has become final and non-appealable, unless any interim status report reflects a reason to proceed with a status conference in this Bankruptcy Court.

Appearances are not required on 11/16/21. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

**[PRIOR TENTATIVE RULINGS OMITTED]**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Zeta Graff

Represented By  
Damion Robinson

**Defendant(s):**

Zeta Graff

Represented By



**United States Bankruptcy Court  
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11:00 AM

**CONT... Zeta Graff**

**Chapter 7**

Zachary D Schorr

**Plaintiff(s):**

Olivia Vaatete

Represented By  
Scott D Dinsmore  
Brennan Mitch

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Elissa Miller  
Asa S Hami

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

1:00 PM

**2:21-12517 Law Offices of Brian D. Witzer**

**Chapter 11**

**#1.00** Hrg re: Second Interim application for compensation  
and reimbursement of expenses of Michael Jay Berger

Docket 171

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 3,  
11/16/21 at 1:00 p.m.).

<b>Party Information</b>
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**Debtor(s):**

Law Offices of Brian D. Witzer

Represented By  
Michael Jay Berger

**Movant(s):**

Law Offices of Brian D. Witzer

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

1:00 PM

**2:21-12517 Law Offices of Brian D. Witzer**

**Chapter 11**

**#2.00** Hrg re: Application for payment of Interim Fees and/or expenses  
[Jennifer M. Liu, Accountant]

Docket 173

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 3,  
11/16/21 at 1:00 p.m.).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Law Offices of Brian D. Witzer

Represented By  
Michael Jay Berger

**Movant(s):**

Jennifer M. Liu

Pro Se

**United States Bankruptcy Court  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

1:00 PM

**2:21-12517 Law Offices of Brian D. Witzer**

**Chapter 11**

**#3.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 3/31/21, 4/27/21, 5/11/21, 6/15/21, 6/29/21,  
7/6/21, 07/20/21, 07/22/21, 8/17/21, 09/14/21,  
9/22/21, 10/26/21

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/6/21:**

Grant the fee applications and continue the status conference as set forth below. Appearances are not required on 11/16/21. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

(1) Current issues

(a) Fee Applications (dkt. 171, 173); no oppositions on file

Based on this Court's review, the interim fee applications were filed on 10/15/21, with amended notices filed on 10/19/21 setting this hearing for 11/16/21. In view of this timeline, this Court questions whether Applicants fully complied with the notice requirements of LBR 2016-1(a), which states in relevant part, "A professional person who files an application for interim fees must give other professional persons employed in the case **not less than 45 days notice** of the date and time of the hearing." Local Bankr. R. 2016-1(a)(2)(A).

Despite this issue, the tentative ruling is to grant the applications as set forth below. Applicants are cautioned that a lack of compliance in future may result in a continuance or other consequences.

(i) Second Interim Fee Application of Michael Jay Berger (dkt. 171); no opposition on file

Allow \$65,347.50 in fees and \$2,230.48 in expenses, for a total award of \$67,577.98, and authorize and direct payment as funds allow.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

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**CONT... Law Offices of Brian D. Witzer**

**Chapter 11**

(ii) First Interim Fee Application of Jennifer M. Liu (dkt. 173); no opposition on file

Allow \$14,685.00 in fees and \$280.00 in expenses, for a total award of \$14,965.00, and authorize and direct payment as funds allow.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

(2) Dates/procedures. This case was filed on 3/29/21.

(a) Bar date: 7/6/21.

(b) Procedures order: dkt. 4 (service cured, see dkt. 8, 82)

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference 11/30/21 at 1:00 p.m. No written status report required.

\*Warning: special procedures apply (see order setting initial status conference).

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

**[PRIOR TENTATIVE RULINGS OMITTED]**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Law Offices of Brian D. Witzer

Represented By  
Michael Jay Berger

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**Tuesday, November 16, 2021**

**Hearing Room 1545**

1:00 PM

**2:19-24048 110 West Properties, LLC**

**Chapter 11**

**#4.00** Hrg re: Application for Payment of Final Fees  
and/or Expenses (11 U.S.C. Section 330)

Docket 318

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 8,  
11/16/21 at 1:00 p.m.).

<b>Party Information</b>
--------------------------

**Debtor(s):**

110 West Properties, LLC

Represented By  
Gregory K Jones  
Jeffrey Huron  
Danielle N Rushing  
Jong-Ju Chang  
Kevin J Lamb

**Movant(s):**

110 West Properties, LLC

Represented By  
Gregory K Jones  
Jeffrey Huron  
Danielle N Rushing  
Jong-Ju Chang  
Kevin J Lamb

**United States Bankruptcy Court  
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1:00 PM

**2:19-24048 110 West Properties, LLC**

**Chapter 11**

**#5.00** Hrg re: Application for payment of final fees and/or expenses  
[Lamb & Kawakami, LLP]

Docket 323

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 8,  
11/16/21 at 1:00 p.m.).

<b>Party Information</b>
--------------------------

**Debtor(s):**

110 West Properties, LLC

Represented By  
Gregory K Jones  
Jeffrey Huron  
Danielle N Rushing  
Jong-Ju Chang  
Kevin J Lamb

**Movant(s):**

110 West Properties, LLC

Represented By  
Gregory K Jones  
Jeffrey Huron  
Danielle N Rushing  
Jong-Ju Chang  
Kevin J Lamb

**United States Bankruptcy Court  
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**Tuesday, November 16, 2021**

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1:00 PM

**2:19-24048 110 West Properties, LLC**

**Chapter 11**

**#6.00** Cont'd hrg re: Debtor's objection to Tarzana  
Crossing, A Merchant Faire, LLC's  
proof of claim nos. 23-1/23-2  
fr. 10/26/21

Docket 309

**Tentative Ruling:**

Please see the tentative ruling for the status conference (Calendar No. 8,  
11/16/21 at 1:00 p.m.).

<b>Party Information</b>
--------------------------

**Debtor(s):**

110 West Properties, LLC

Represented By  
Gregory K Jones  
Jeffrey Huron  
Danielle N Rushing  
Jong-Ju Chang  
Kevin J Lamb



**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 16, 2021**

**Hearing Room 1545**

1:00 PM

**2:19-24048 110 West Properties, LLC**

**Chapter 11**

Adv#: 2:20-01012 Tarzana Crossing, a Merchant Faire, LLC v. 110 West Properties, LLC et al

**#7.00** Cont'd Status Conference re: Notice of Removal  
fr. 03/31/20, 5/12/20, 6/30/20, 8/18/20, 10/27/20  
12/8/20, 1/26/21, 2/9/21, 03/02/21, 4/6/21, 4/27/21,  
5/11/21, 6/1/21, 08/03/21, 9/28/21, 10/26/21

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/16/21:**

Please see the tentative ruling for the main case status conference (Calendar No. 8, 11/16/21 at 1:00 p.m.).

**[INTERIM TENTATIVE RULINGS OMITTED]**

<b>Party Information</b>
--------------------------

**Debtor(s):**

110 West Properties, LLC

Represented By  
Gregory K Jones  
Jeffrey Huron  
Danielle N Rushing  
Jong-Ju Chang  
Kevin J Lamb

**Defendant(s):**

110 West Properties, LLC

Represented By  
Gregory K Jones  
Jeffrey Huron

RU, LLC

Pro Se

Dos Cabezas Properties, LLC

Represented By  
Robert P Goe  
Charity J Manee

Criscione-Meyer Entitlement, LLC

Pro Se

**United States Bankruptcy Court  
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**CONT... 110 West Properties, LLC**

**Chapter 11**

Michael Criscione

Pro Se

First American Title Company

Pro Se

**Plaintiff(s):**

Tarzana Crossing, a Merchant Faire,

Represented By  
Alan M Feld  
Peter C. Bronson  
Peter C Bronson  
Paul J Johnson

**United States Bankruptcy Court  
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**2:19-24048 110 West Properties, LLC**

**Chapter 11**

**#8.00** Cont'd status conference re: Post Confirmation  
fr. 12/17/19, 1/28/20, 02/18/20, 3/31/20, 4/21/20,  
5/12/20, 6/2/20, 6/30/20, 8/18/20, 9/15/20, 10/27/20,  
12/8/20, 1/26/21, 2/9/21, 03/02/21, 4/6/21, 4/27/21,  
5/11/21, 6/1/21, 6/29/21, 9/28/21, 10/26/21

Docket 5

**Tentative Ruling:**

**Tentative Ruling for 11/16/21:**

Appearances required.

**(1) Current issues**

**(a) Debtor's objection to Tarzana Crossing's proof of claim (dkt. 309), Tarzana Crossing's opposition (dkt. 314), Debtor's reply (dkt. 336)**

The tentative ruling is to sustain the objection in part - to disallow any claim but not any equity interest - and continue it in part - for further proceedings to determine the disputed percentages of equity ownership.

**(i) The claim objection is not moot**

The tentative ruling is to overrule Tarzana Crossing's argument that the claim objection is mooted by the prior claim objection (see dkt. 121, 176), because the prior proceedings did not fully determine (x) whether Tarzana Crossing no longer has even a subordinated claim (under 11 U.S.C. 510(b)) but instead, in view of subsequent developments including the confirmation of Debtor's Plan, is limited to an equity interest, and (y) the specific percentage of Tarzana Crossing's equity interest in the Debtor. Tarzana has not cited any authority in support of its contention that the prior proceedings should have any preclusive effect on these two issues.

**(ii) Tarzana Crossing appears to have only equity interests, not claims**

Debtor has cited authority that an equity interest is not a claim (dkt. 309, p.6:1-6) and Debtor has cited this Court's prior orders on earlier claim objections and confirming Debtor's Plan for the proposition that the only claim left was a "derivative claim" that is now held by Debtor. *Id.*, p.5:1-4. Tarzana Crossing has made no contrary arguments. Accordingly, the tentative ruling

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**CONT... 110 West Properties, LLC**

**Chapter 11**

is that Tarzana Crossing no longer has any claims (as distinguished from equity interests) against Debtor.

(ii) Additional discovery appears to be necessary regarding Tarzana Crossing's equity interests

The tentative ruling is that neither side has presented sufficient evidence for this Court to make a determination as to the appropriate percentage of Tarzana's equity interests. A continuance appears to be required.

In support of its claim objection, the only relevant evidence from Debtor is a declaration from Debtor's principal stating that "Debtor's records reflect that Tarzana Crossing's interest in the Debtor consists of 7.223215% of Class A interests and 14.272745% of Class B interests, with a total of 12.495960%." Dkt. 309, at PDF p. 25:1-3 (emphasis added). But Debtor does not attach those records (in whole or in part) or otherwise explain Debtor's record keeping practices or how it arrived at those percentages.

On the other hand, as Debtor's Reply points out, Tarzana Crossing has not attach any evidence in support of its opposition. Instead it asserts that extensive discovery will be needed to establish that Debtor's records are inaccurate.

Based on the foregoing, the tentative ruling is to defer issuing any ruling on this matter at this time and set a continued hearing concurrent with the continued post-confirmation status conference (see Section 2, below), subject to further continuances as needed, for the parties to participate in discovery. This Court anticipates that the continued hearing will be a status conference, at which time this Court might set an evidentiary hearing and/or deadlines for the parties to file supplemental briefs.

Proposed order: Unless otherwise ordered, Debtor is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)), and attach a copy of this Tentative Ruling, thereby adopting it as this Court's actual ruling.

(b) Final fee application of Dykema Gossett LLP (dkt. 318-320), Declaration of Terry Smith (dkt. 332), no opposition on file

Allow \$567,920.00 in fees and \$15,879.19 in expenses, for a total reduced award of \$583,718.19, pursuant to Applicant's agreement with Debtor (see dkt. 332, p. 4:1-5), and authorize and direct payment in the full

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**CONT...**      **110 West Properties, LLC**  
amounts allowed.

**Chapter 11**

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

(c) Final fee application of Lamb & Kawakami, LLP (dkt. 323, 326), Debtor's declaration in support (dkt. 330), no opposition on file  
Allow \$157,188.50 in fees and \$0.00 in expenses, for a total award of \$157,188.50, and authorize and direct payment of the full amounts allowed.

Proposed order: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

(d) Tarzana Crossing v. 110 West Properties, LLC et al. (2:20-ap-01012-NB)

There is no tentative ruling. The parties should be prepared to address the status of any settlement discussions and/or whether this Court should set any dates or deadlines at this time.

**(2) Deadlines/dates**

This case was filed on 11/29/19, and Debtor's plan was confirmed on 6/4/21 (dkt. 283). The tentative ruling is to set a further continued Post-Confirmation Status Conference for 2/15/22 at 1:00 p.m. *Brief* post-confirmation status report due 2/1/22.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

**[PRIOR TENTATIVE RULINGS OMITTED]**

<b>Party Information</b>
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1:00 PM

**CONT... 110 West Properties, LLC**

**Chapter 11**

**Debtor(s):**

110 West Properties, LLC

Represented By  
Gregory K Jones  
Jeffrey Huron  
Danielle N Rushing  
Jong-Ju Chang  
Kevin J Lamb

**United States Bankruptcy Court  
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1:00 PM

**2:17-23714 Fargo Trucking Company, Inc.**

**Chapter 11**

Adv#: 2:19-01464 Fargo Trucking Company Inc Post-Confirmation Commi v. OOCL(USA)

**#9.00** Cont'd Status Conference re: Complaint for Contribution on Account of Liability as a Partner for All of the Debts of Fargo Trucking Company Inc. fr. 01/07/20, 01/28/20, 5/5/20, 9/15/20, 12/22/20, 03/02/21, 5/11/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: This proceeding has been dismissed. See adv. dkt. 31 & 33.**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Fargo Trucking Company, Inc.

Represented By  
Vanessa M Haberbush  
David R Haberbush  
Lane K Bogard

**Defendant(s):**

OOCL(USA) Inc., DBA Orient

Represented By  
Jeffrey D Cawdrey

**Plaintiff(s):**

Fargo Trucking Company Inc Post-

Represented By  
David R Haberbush  
Vanessa M Haberbush

**Trustee(s):**

Timothy J. Yoo

Pro Se

**United States Bankruptcy Court  
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**Tuesday, November 16, 2021**

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**2:20-15862 Jose Luis Almendariz**  
Adv#: 2:20-01644 McLees v. Almendariz

**Chapter 13**

**#1.00 Hrg re: Motion for Summary Judgment  
or Partial Summary Judgment**

Docket 45

**Tentative Ruling:**

Please see the tentative ruling for the adversary proceeding status conference (Calendar No. 5, 11/16/21 at 2:00 p.m.).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Luis Almendariz

Represented By  
Glenn Ward Calsada

**Defendant(s):**

Jose Luis Almendariz

Represented By  
Glenn Ward Calsada

**Movant(s):**

Jose Luis Almendariz

Represented By  
Glenn Ward Calsada  
Glenn Ward Calsada

Jose Luis Almendariz

Pro Se

**Plaintiff(s):**

Brian McLees

Represented By  
Dawn M Coulson

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



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**Tuesday, November 16, 2021**

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2:00 PM

**2:20-15862 Jose Luis Almendariz**  
Adv#: 2:20-01644 McLees v. Almendariz

**Chapter 13**

**#2.00** Cont'd Status Conference re: Complaint for Determination of Non-Dischargeability of Debt Pursuant to 11 U.S.C. Sections 523(a)(2) and (a)(4) fr. 12/22/20, 03/02/21, 4/6/21, 6/15/21, 8/17/21, 9/14/21, 10/26/21

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/16/21:**

Deny the Defendant/Debtor's motion for summary judgment, and continue this Adversary Proceeding status conference as set forth below (this continued Status Conference will be a pretrial conference). Appearances are not required on 11/16/21. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

**(1) Current issues**

**(a) Status reports should be filed in this adversary proceeding**

It appears Plaintiff filed the parties' joint status report in the bankruptcy case (2:20-bk-15862-NB, dkt. 46), rather than in this adversary proceeding. This Court does not routinely check the bankruptcy docket when preparing for adversary status conferences, so Plaintiff is directed not to file papers relating to this adversary proceeding in the bankruptcy case in future, and the tentative ruling is to set a **deadline of 11/19/21** for Plaintiff to re-file the status report in this adversary proceeding.

**(b) Defendant/Debtor's motion for summary judgment (adv. dkt. 45-49,**

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**CONT...**

**Jose Luis Almendariz**

**Chapter 13**

51, 52, "MSJ"), Plaintiff's opposition papers (adv. dkt. 53-57),  
Defendant/Debtor's reply (adv. dkt. 58) and evidentiary objections (adv. dkt.  
59)

The tentative ruling is to deny the MSJ for the reasons stated in Plaintiff's opposition and for the additional reasons set forth below.

(i) Debtor's evidentiary objections (dkt. 59)

The tentative ruling is to overrule the evidentiary objections in full. The evidence that Defendant/Debtor was actually the owner and operator of the mobile home park is Plaintiff's own experience with him. According to the allegations in the Complaint, and Plaintiff's declaration in the context of a motion for summary judgment, Defendant/Debtor acted as the holder of legal title so as to get around Mexican law preventing foreign nationals from owning property. That might or might not be perfectly fine under Mexican law, or conversely a violation of Mexican law, but either way the point is that there is evidence that Defendant/Debtor was the owner/operator for at least some purposes. True, there is ambiguity about whether he was just an agent (either paid or voluntary, and perhaps not all of the time), but that just creates genuine issues of material fact for trial.

(ii) Defenses of Laches and Statute of Limitations

Defendant/Debtor argues that the undisputed facts establish that Plaintiff's claims are time barred under the applicable statute of limitations and/or equitable doctrine of laches because Plaintiff became aware of the alleged fraud as early as 2007 and did not bring suit until 2019. MSJ (adv. dkt. 45), pp. 6:26-8:20. The tentative ruling is that genuine issues of material fact exist as to when Plaintiff learned of sufficient facts to start the running of any claim based on Defendant/Debtor's alleged intent not to honor his alleged promise of perpetually renewing the five-year lease.

Defendant/Debtor does not dispute that a "cause of action for fraud is not deemed to have accrued until discovery by the aggrieved party of the facts constituting the fraud." MSJ (adv. dkt. 45), p.7:11-13 (citing Cal. CCP 338(d)). But Defendant/Debtor argues that the relevant lease term only created a general covenant to renew (as opposed to a contractual right in Plaintiff's favor to exercise his option to renew the lease in perpetuity), so the running of the clock began in 2007 when Plaintiff received Defendant/Debtor's request to replace the five-year option with a one-year option in favor of Defendant/Debtor. Dkt. 58, pp. 2:6-3:10.

The tentative ruling is that even if the applicable statute of limitations

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**CONT...**

**Jose Luis Almendariz**

**Chapter 13**

and/or doctrine of laches might preclude Plaintiff from challenging the enforceability of the lease or asserting a claim for breach of contract (this Court expresses no view on this issue), Plaintiff can still maintain a claim for promissory fraud based on Defendant/Debtor's alleged promise(s) to renew the lease every five years in perpetuity. See, e.g., *Lazar v. Superior Court*, 12 Cal. 4th 631, 638 (1996) ("An action for promissory fraud may lie where a defendant fraudulently induces the plaintiff to enter into a contract ... the plaintiff's claim does not depend upon whether the defendant's promise is ultimately enforceable as a contract"). And on this issue, disputed material facts exist regarding when Defendant/Debtor revealed a lack of intent ever to abide by the parties' alleged agreement. Particularly in view of the fact that, although Defendant/Debtor attempted to alter the terms of the parties' alleged agreement in 2007, he continued to accept Plaintiff's payments through at least 2018.

(iii) Genuine issues of material fact exist with respect to Plaintiff's claim for fraud under 11 U.S.C. § 523(a)(2)(A)

Defendant/Debtor argues that Plaintiff cannot establish (x) that he has suffered any damages or (y) that any such damages were caused by Debtor/Defendant's actions. MSJ (adv. dkt. 45), pp. 8:21-10:27. The tentative ruling is that summary adjudication is not appropriate because there are genuine issues of material fact on both issues.

Defendant/Debtor's view of damages is overly narrowed by focusing his analysis solely on damages arising out of the contractual terms of the lease. There is evidence that Defendant/Debtor was the owner/operator of the mobile home park for at least some purposes and that Plaintiff invested significant sums of money renovating and furnishing the property. Material disputes exist as to whether Plaintiff's reliance was justified, but both in the past and in future Plaintiff alleges that he has lost use of and profits from the property. And, as discussed below, Plaintiff has provided some evidence that he can present admissible evidence on the issue of damages at trial.

(iv) Genuine issues of material fact exist with respect to Plaintiff's claim for larceny under 11 U.S.C. § 523(a)(4)

Debtor/Defendant argues that this Court must enter summary judgment in his favor on Plaintiff's claim for larceny under 11 U.S.C. § 523(a)(4) because Plaintiff does not have any admissible evidence to support his claim. MSJ (adv. dkt. 45), pp. 10:28-12:13. The tentative ruling is that summary judgment is not appropriate. Plaintiff's declaration (dkt. 56, p. 4:4-8)

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states that he has "first-hand witnesses who are willing to testify and/or authenticate photographic evidence showing that Defendant has obtained and/or allowed others to obtain property and/or funds belonging to me and that Defendant was using my home and vehicles and/or allowing others to do the same in exchange for money." This is sufficient for purposes of summary judgment. See, e.g., *JL Bev. Co., LLC v. Jim Beam Brands, Co.*, 828 F.3d 1098, 1110 (9th Cir. 2016) ("At summary judgment district court may consider hearsay evidence submitted in an admissible form, so long as the underlying evidence could be provided in an admissible form at trial, such as by live testimony").

(v) Arguments set forth in the reply should have been made in the MSJ

The tentative ruling is that an alternative basis to deny the MSJ is that Defendant/Debtor should have been clearer in the MSJ about his theories that were only explained in the reply papers so that Plaintiff had an opportunity to respond to them. (That process also would have saved this Court from attempting to analyze the legal and factual issues without the benefit of whatever briefing and evidence Plaintiff would have provided if the issues had been properly presented in the MSJ.) Defendant/Debtor is cautioned that in future this Court may deny motions, or take other actions, based on any similar lack of proper briefing.

Proposed order: Plaintiff is directed to lodge a proposed order via LOU within 7 days after the hearing date and attach a copy of this tentative ruling, thereby adopting it as this Court's final ruling, subject to any changes ordered at the hearing. See LBR 9021-1(b)(1)(B).

**(2) Status conference**

This Court has reviewed documents and records filed in this adversary proceeding.

**(A) Standard requirements**

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

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**Chapter 13**

(1) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 22).

(2) Mediation

On 12/21/20 this Court entered an order assigning the matter to mediation (see adv. dkt. 24). The parties report that they participated in mediation on 3/5/21 with Judge Jury but were not successful in resolving their disputes (Main case, dkt. 46, p. 3, para. "D"). The parties also both checked the box stating that they would like this matter sent to mediation at this time, but it is unclear whether that is a carry-over from prior versions or a renewed request to mediate. *id.*, p. 3, para "E.3".

The parties are encouraged to explore whether Judge Jury would be willing to conduct a second round of mediation. Alternatively, the parties are always able to engage in independent settlement discussions.

(3) Deadlines

This adversary proceeding has been pending since 10/6/20.

The deadlines have been memorialized in this Court's scheduling order (adv. dkt. 26), except as modified by adv. dkt. 42, and except for the following (which need no written order).

Lodge Joint Proposed Pretrial Order: 2/1/22

Pretrial conference: 2/15/22 at 2:00 p.m.

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: 2/16/21 (for the format of exhibits and other trial procedures, please see the Procedures of Judge Bason (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "Trial Practice" BUT, at least during the COVID-19 shut down of the courtroom, also see the forms of order regarding video trials, posted on Judge Bason's portion of the Court's above-referenced web page)

Trial commencement: 2/22/22 at 9:00 a.m.

**[PRIOR TENTATIVE RULINGS OMITTED]**

<b>Party Information</b>
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**Debtor(s):**

Jose Luis Almendariz

Represented By

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**Jose Luis Almendariz**

Glenn Ward Calsada

**Chapter 13**

**Defendant(s):**

Jose Luis Almendariz

Represented By  
Glenn Ward Calsada

**Plaintiff(s):**

Brian McLees

Represented By  
Dawn M Coulson

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:18-12429 Dana Hollister**

**Chapter 11**

Adv#: 2:18-01203      The Bird Nest, LLC et al v. Hollister

**#3.00**      Cont'd Status Conference re: Complaint to Determine  
Non-Dischargeability of Debt  
fr. 8/14/18, 12/18/18, 6/4/19, 11/26/19, 12/10/19,  
6/16/20, 12/08/20, 1/21/21, 6/15/21, 7/8/21

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**\*\*\* VACATED \*\*\* REASON: Continued to 3/15/22 at 2p.m. (Order, adv.  
dkt. 23)**

**Tentative Ruling:**

<b>Party Information</b>
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**Debtor(s):**

Dana Hollister

Represented By  
David A Tilem  
Mark A Kressel  
Alan M Insul

**Defendant(s):**

Dana Hollister

Represented By  
David A Tilem

**Plaintiff(s):**

The Bird Nest, LLC

Represented By  
Howard Steinberg

Roman Catholic Archbishop of Los

Represented By  
Howard Steinberg

The California Institute of the Sisters

Represented By  
Howard Steinberg

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**2:18-24302 GL Master Inc**

**Chapter 7**

Adv#: 2:20-01680 Wolkowitz v. The Law Offices of Lynn Chao, A.P.C., a California

**#4.00** Cont'd status conference re: Complaint for avoidance and recovery of preferential transfers [ 11 U.S.C. sections 547(b), 550(a), and 551]  
fr. 2/9/21, 5/4/21, 7/20/21, 9/28/21

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/16/21:**

Continue to 1/18/22 at 1:00 p.m. for the parties to finalize and obtain approval of their settlement. See adv. dkt. 22 & 24. Appearances are not required on 11/16/21. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

**[INTERIM TENTATIVE RULING OMITTED]**

**Tentative Ruling for 5/4/21:**

Continue as set forth below. Appearances are not required on 5/4/21.

**(A) Current issues**

This Court has reviewed the parties' joint status report (adv. dkt. 9) and the other filed documents and records in this adversary proceeding.

**(B) Standard requirements**

The following are Judge Bason's standard requirements for status conferences (except as noted below). (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)



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**Chapter 7**

**(1) Venue/jurisdiction/authority**

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 9, p. 4, para. "(F)").

**(2) Mediation**

[Non-standard provision.] The tentative ruling is not to order mediation at this time. This Court recognizes that the parties both expressed an interest in mediation as of the filing of that status report (adv. dkt. 14) on 4/19/21. But thereafter, in connection with more global mediation, The Law Offices of Lynn Chao, APC ("ChaoLaw") did not reach any settlement, and ChaoLaw faces ongoing contempt sanctions regarding discovery in a related proceeding in this case. Accordingly, it appears that ordering ChaoLaw to mediation in this adversary proceeding likely would be a waste of time and money.

**(3) Deadlines**

This adversary proceeding has been pending since 12/7/20. [The deadlines have been memorialized in this Court's scheduling order (adv. dkt. 7), except for the following, which need no written order.]

Joint Status Report: 7/6/21

Continued status conference: 7/20/21 at 11:00 a.m.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (i.e., page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

**[PRIOR TENTATIVE RULING OMITTED]**

<b>Party Information</b>
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**Chapter 7**

**Debtor(s):**

GL Master Inc

Represented By  
Thomas J Polis

**Defendant(s):**

The Law Offices of Lynn Chao,

Represented By  
Thomas J Polis

**Plaintiff(s):**

Edward M. Wolkowitz

Represented By  
Juliet Y. Oh  
Richard P Steelman Jr

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Juliet Y. Oh

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**2:18-24302 GL Master Inc**

**Chapter 7**

Adv#: 2:20-01680 Wolkowitz v. The Law Offices of Lynn Chao, A.P.C., a California

**#5.00** Pretrial conference re: Complaint for avoidance and recovery of preferential transfers [ 11 U.S.C. sections 547(b), 550(a), and 551]  
fr. 2/9/21, 5/4/21, 7/20/21, 9/28/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order approving joint stip to vacate p/t [dkt. 24]**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

GL Master Inc

Represented By  
Thomas J Polis

**Defendant(s):**

The Law Offices of Lynn Chao,

Represented By  
Thomas J Polis

**Plaintiff(s):**

Edward M. Wolkowitz

Represented By  
Juliet Y. Oh  
Richard P Steelman Jr

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Juliet Y. Oh

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**2:18-24302 GL Master Inc**

**Chapter 7**

Adv#: 2:20-01683 Wolkowitz v. Young Young Food, LLC

**#6.00** Status conference re: Complaint for Avoidance and Recovery of Preferential Transfers [11 U.S.C. Sections 547(b), 550(a) and 551] fr. 2/9/21, 5/4/21, 7/20/21, 9/28/21

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/16/21:**

Continue to 1/18/22 at 1:00 p.m. for the parties to finalize and obtain approval of their settlement. See adv. dkt. 22 & 24. Appearances are not required on 11/16/21. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

**[PRIOR TENTATIVE RULING OMITTED]**

<b>Party Information</b>
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**Debtor(s):**

GL Master Inc

Represented By  
Thomas J Polis

**Defendant(s):**

Young Young Food, LLC

Represented By  
Thomas J Polis

**Plaintiff(s):**

Edward M. Wolkowitz

Represented By  
Juliet Y. Oh

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**Chapter 7**

Richard P Steelman Jr

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Juliet Y. Oh

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**2:18-24302 GL Master Inc**

**Chapter 7**

Adv#: 2:20-01683 Wolkowitz v. Young Young Food, LLC

**#7.00** Pretrial conference re: Complaint for Avoidance and Recovery of Preferential Transfers [11 U.S.C. Sections 547(b), 550(a) and 551] fr. 2/9/21, 5/4/21, 7/20/21, 9/28/21

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order approving joint stip to vacate p/t [dkt. 24]**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

GL Master Inc

Represented By  
Thomas J Polis

**Defendant(s):**

Young Young Food, LLC

Represented By  
Thomas J Polis

**Plaintiff(s):**

Edward M. Wolkowitz

Represented By  
Juliet Y. Oh  
Richard P Steelman Jr

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Juliet Y. Oh